

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Civil Action No. 7:24-cv-01009**

RUDY LOCKLEAR,

Plaintiff,

v.

ROBESON COMMUNITY
COLLEGE,

Defendant.

**DEFENDANT’S MOTION FOR
PARTIAL JUDGMENT ON THE
PLEADINGS**

NOW COMES Defendant Robeson Community College, through counsel, and moves to dismiss, in part, Plaintiff’s Complaint. Defendant respectfully requests that Plaintiff’s claims for Title VII national origin and race discrimination, § 1981 race discrimination, Title VII and § 1981 hostile work environment, Title VII and § 1981 retaliation; and wrongful termination in violation of North Carolina public policy (Claims 2-6) be dismissed *with prejudice* and that the Court enter Partial Judgment on the Pleadings in favor of Defendant pursuant to Rule 12(c) of the Federal Rules of Civil Procedure based on the following grounds:

1. Plaintiff's Title VII National Origin Discrimination claim (Claim 5) should be dismissed for failure to exhaust administrative remedies.

2. Plaintiff's Title VII and § 1981 claims for Race Discrimination, Hostile Work Environment, and Retaliation, as well as Plaintiff's claim for Wrongful Termination in Violation of North Carolina Public Policy (Claims 2-6) should be dismissed for failure to state a claim upon which relief can be granted.

WHEREFORE, Defendant Robeson Community College prays that Plaintiff's claims for National Origin Discrimination under Title VII; Race Discrimination under Title VII and § 1981; Hostile Work Environment under Title VII and § 1981; Retaliation under Title VII and § 1981; and Wrongful Termination in Violation of North Carolina Public Policy be dismissed *with prejudice* and that the Court enter Judgement on the Pleadings in favor of Defendant pursuant to Rule 12(c).

This the 6th day of February, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2025, I electronically filed the foregoing *Partial Motion for Judgment on the Pleadings* with the Clerk of Court using the CM/ECF system, which will effect service on all registered users:

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This the 6th day of February, 2025.

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